

HONORABLE JUDGE JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR17-238RAJ |
| |) | |
| Plaintiff, |) | ORDER CONTINUING TRIAL DATE |
| |) | AND PRETRIAL MOTIONS |
| v. |) | DEADLINE |
| |) | |
| KENNETH DEWAIN SHENEFELT, |) | |
| |) | |
| |) | |
| Defendant. |) | |

Based on the unopposed motion to continue the trial date, and the facts set forth therein, which are hereby incorporated by reference and adopted as findings of fact, and its review of the record, the Court makes the following finds of fact and conclusions of law:

1. Defendant is charged in a two-count superseding indictment with Felon in Possession of a Firearm and Possession of a Firearm in Furtherance of a Drug Trafficking Offense.
2. The case is presently set for trial January 22, 2018. Mr. Shenefelt was indicted on the superseding indictment on November 15, 2017 and arraigned

1 on November 30, 2017. The superseding indictment added the charge of
2 Possession of a Firearm in Furtherance of a Drug Trafficking Crime. That
3 charge carries a consecutive mandatory minimum sentence upon conviction.

- 4 3. Current defense counsel was appointed on November 20, 2017.
5 4. Pretrial motions are currently due on December 7, 2017.
6 5. The government has already produced discovery materials that counsel will
7 need time to review and additional discovery is expected to be produced by
8 the government.
9 6. Counsel needs adequate time to review the discovery, investigate and prepare
10 for any pretrial motions, investigate the facts and possible defenses, and also
11 needs time to consult with his client and prepare for trial.
12 7. Defense counsel has represented that additional time beyond the January 22,
13 2018, trial date is needed.
14 7. Government counsel have represented that they do not oppose the request.
15 8. Defense counsel has represented that he has consulted with his client who
16 agrees to the proposed continuance and has executed speedy trial waiver.

17 Pursuant to 18 USC § 3161 (h)(7)(A) and (B)(iv) the Court finds that the
18 public's interest in a speedy trial is outweighed by the Court's interest in ensuring that
19 Defendant's counsel has adequate and reasonable time to investigate and prepare and
20 that the January 22, 2018, trial date does not afford adequate time. Absent a
21 continuance, defense counsel would not have adequate time to prepare to defend his
22 client.

23 ORDER CONTINUING TRIAL DATE
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1 THEREFORE IT IS HEREBY ORDERED that Defendant's Unopposed Motion
2 to Continue Trial Date and Pretrial Motions Deadline (Dkt. #41) is GRANTED. The
3 trial date is continued from January 22, 2018, to April 16, 2018. All pretrial motions,
4 including motions in limine, shall be filed no later than March 1, 2018.

5 IT IS FURTHER ORDERED that the resulting period of delay from the date of
6 this order to the new trial date of April 16, 2018, will be excluded for speedy trial
7 purposes under 18 U.S.C. § 3161 (h)(7)(A), (B)(i), (B)(iv).

8 DATED this 4th day of December, 2017.

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11 The Honorable Richard A. Jones
12 United States District Judge
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